

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-7 are pending in this case. Claims 1 and 4-7 are amended by the present amendment. The changes to Claims 1 and 4-7 are supported in the originally filed disclosure at least at Figures 3 and 6 and at paragraphs [0030], [0033]-[0035], and [0038] of the published Specification. Thus, no new matter is added.

In the outstanding Office Action, Claims 4 and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by Hepp, et al. (WO 99/21064, herein “Hepp”); Claims 1, 2, 4, 5, and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by Galison (U.S. Patent No. 5,245,590); Claims 1-3 were rejected under 35 U.S.C. § 103(a) as unpatentable over Hepp in view of Galison; and Claim 6 was indicated as including allowable subject matter.

Applicants gratefully acknowledge the indication of allowable subject matter in Claim 6.

Applicants now respectfully traverse the rejection of Claims 1-5 and 7.

Amended Claim 4 is directed to an electronic apparatus and includes:

main operating means for performing a specified operation consistent with the usage of said electronic apparatus;
moon age acquisition means for acquiring an age of the moon; and
control means for controlling operation of said main operating means in keeping with said age of the moon, wherein said controlling includes **controlling at least one of image processing of image output of said electronic apparatus or audio processing of audio output of said electronic apparatus consistent with the age of the moon.**

The outstanding Office Action asserts Hepp or, alternatively, Galison as teaching every element of Claim 4. Each of the references is addressed in turn.

At the outset, Applicants respectfully submit that image processing and audio processing are readily understood by one of ordinary skill in the art to mean modification of an image and an audio signal, respectively, rather than selection of a different image or audio signal.

Further, Applicants respectfully note that, as set out in MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631. Further, “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236.

Hepp depicts a time sensing device that displays an image that includes an image of the moon that is changed based on the time of month. However, while the image itself is changed in Hepp, based on the time of month, Hepp does not describe controlling “image processing of image output,” as recited by amended Claim 4 and understood by one of ordinary skill in the art to be different from controlling a selection of the image itself.

Because Hepp does not teach or suggest every element of Claim 4, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of Claim 4 and Claim 7, which depends therefrom, be withdrawn.

Galison describes a timepiece that also includes an indication of the phase of the moon based on the amount of shading on the face of the timepiece. The outstanding Office Action asserts that changing the amount of shading on the timepiece to indicate a different phase of the moon teaches the image processing defined by Claim 4. However, as set out above, image processing is understood by one of ordinary skill in the art as modification of a given image rather than the selection of a different image. While the edge of the timepiece of Galison may appear to have more or less contrast based on the phase of the moon, the image

is not being modified and, thus, image processing is not performed but, rather, the image is changed to a different image with more or less shading based on the phase of the moon. Thus, Galison does not teach or suggest controlling “image processing...consistent with the age of the moon,” as recited by Claim 4.

Because Galison does not teach or suggest every element of Claim 4, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of Claim 4 and Claims 5 and 7, which depend therefrom, be withdrawn.

Amended Claim 1 is directed to an electronic apparatus and includes:

main operating means for performing a specified operation consistent with the usage and application of said electronic apparatus;

main control means for controlling said main operating means;

display means including a main operation display area for displaying based on said main operating means and a moon image display area for displaying a moon image consistent with the age of the moon; and

display control means for controlling image processing of an image in the main operation display area consistent with the age of the moon.

The outstanding Office Action asserts Galison and, alternatively, a combination of Hepp and Galison as teaching every element of Claim 1.

As discussed above, neither Hepp nor Galison teaches or suggests “controlling image processing of an image...consistent with the age of the moon,” as recited by amended Claim 1.

Because neither Galison nor a combination of Hepp and Galison teaches or suggests every element of Claim 1, Applications respectfully request that the rejection under 35 U.S.C. § 102(b) of Claim 1 and Claim 2, which depends therefrom, and the rejection under 35 U.S.C. § 103(a) of Claim 1 and Claims 2 and 3, which depend therefrom, be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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